

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

CHARLES LEE REYNOLDS,

CV 07-1244-ST

Petitioner,

ORDER

v.

J.E. THOMAS,

Respondent.

REDDEN, Judge:

On June 25, 2008, Magistrate Judge Stewart issued her Findings and Recommendation (doc. 22) that the court deny Charles Lee Reynolds' Petition (doc. 1) for Writ of Habeas Corpus, and enter judgment dismissing the case with prejudice.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). The magistrate judge makes only recommendations to the district

court, and any party may file written objections to those recommendations. When a party timely objects to any portion of the magistrate's judge's Findings and Recommendation, the district court must conduct a *de novo* review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court is not required to review the factual and legal conclusions of the magistrate judge, to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). The district court, however, retains responsibility for making the final determination and "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1).

Petitioner timely filed objections to Magistrate Judge Stewart's Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Stewart's analysis and conclusions. Accordingly, I ADOPT the Findings and Recommendation (doc. 22) without modification. The Petition for Writ of Habeas Corpus (doc. 1) is DENIED.

IT IS SO ORDERED.

DATED this 5th day of August, 2008.

/s/ James A. Redden
James A. Redden
United States District Judge